

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

BRAD PAUL SMITH
ADC #660448

PLAINTIFF

V.

5:18CV00153 SWW

CORNELIUS CHRISTOPHER, Captain;
Varner Supermax, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Smith may proceed with his § 1983 excessive force claims against Captain Cornelius Christopher, Sergeant Brian Perkins and Sergeant Brandon Higgins.

2. The Clerk is directed to prepare a summons for Christopher, Perkins and Higgins. The United States Marshal is directed to serve the summons, substituted complaint and amendment (Docs. 8 & 10), and this Order, on them through the ADC Compliance Division without prepayment of fees and costs or

security therefor.¹

3. Smith's claims against Major Brandon Carole are dismissed without prejudice.

4. It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 26th day of December, 2018.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹If any of the Defendants are no longer ADC employees, the ADC Compliance Office must file a **sealed** statement providing the unserved Defendant's last known private mailing address.